

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRACEY WHITE ET AL,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.: 4:14CV01490 HEA
)	
THOMAS JACKSON, ET AL,)	
)	
Defendants.)	

MOTION FOR LEAVE TO FILE AN AMENDED JOINT

PROPOSED SCHEDULING PLAN

Come now Defendants, the City of Ferguson, Police Chief Jackson and Police Officer Cosma, and move the Court enter its order granting leave to file an Amended Joint Proposed Scheduling Plan. As grounds therefor, Defendants state as follows:

On April 22, 2015, Defendants the City of Ferguson, Jackson and Cosma filed a Joint Proposed Scheduling Order. This pleading was filed prematurely and in error, because the initial meeting of the parties had not yet taken place. Counsel regrets and apologizes for this error.

Following discovery of the premature filing of this pleading, an initial meeting of the parties did take place on April 23, 2015. As a result of this meeting, with the attorneys for all parties participating, the following scheduling and discovery dates were discussed. As indicated below, some dates were agreed upon and others were not agreed upon, as set out below.

THE SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AMONG COUNSEL AND AGREED TO (IN PART) AS FOLLOWS:

1. The Track 2 Assignment for this case is appropriate.

2. Joinder of additional parties and amendment of the pleadings shall be made by May 27, 2015.

3. Initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1) shall be made by May 20, 2015.

4. At this time, there is no need to conduct discovery in phases or limit it to certain issues.

5. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Fed.R.Civ.P. 26(a)(2) as follows:

Plaintiff's expert(s): August 7, 2015;

Defendant's expert(s): October 9, 2015;

6. Depositions of expert witnesses must be taken by:

Plaintiff's expert(s): September 4, 2015; and

Defendant's expert(s): November 6, 2015.

7. The presumptive limits of ten (10) depositions per side as set forth in Fed.R.Civ.P. 30(a)(2)(A), and twenty-five (25) interrogatories per party as set forth in Fed.R.Civ.P. 33(a) should not apply in this case, due to the number of Plaintiffs and number of potential witnesses. The parties agree to set the limit on twenty depositions and fifty interrogatories per side, and the parties will meet and confer to the extent more are desired.

8. Physical or mental examinations of the plaintiffs pursuant to Fed.R.Civ.P. 35 may be requested by August 14, 2015 with the examination to be completed by September 4, 2015.

9. The parties do not agree as to the date for ending discovery. Defendants believe discovery should be completed by December 11, 2015. The Plaintiffs believe that discovery should be completed by November 6, 2015.

10. The parties do not agree on the date for filing dispositive motions. Defendants believe that any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings or, if applicable, any motion to exclude testimony pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) or Kuhmo Tire Co. Ltd v. Carmichael, 526 U.S. 137 (1999), shall be filed no later than January 8, 2016. Plaintiffs believe this date should be December 6, 2015. Defendants believe any response shall be filed no later than February 5, 2016. Plaintiffs believe this date should January 11, 2016. Defendants believe any reply shall be filed no later than February 19, 2016. Plaintiffs believe this date should be January 25, 2016.

11. The parties agree to participate in mediation and such mediation would be most productive after September 4, 2015.

12. Defendants believe the earliest date this case will be ready for trial is April 11, 2016. Plaintiffs believe the case will be ready for trial on February 15, 2015.

13. The parties expect the trial to last five to eight days.

WHEREFORE, Defendant moves the Court enter its order granting them leave to file this Amended Joint Proposed Scheduling Plan, and for such other relief as the Court deems proper.

/s/Peter J. Dunne

Peter J. Dunne #31482MO

Robert T. Plunkert #62064MO

PITZER SNODGRASS, P.C.

Attorneys for Defendants City of Ferguson,

Chief Thomas Jackson, and Officer Justin

Cosma

100 South Fourth Street, Suite 400

St. Louis, Missouri 63102-1821

(314) 421-5545

(314) 421-3144 (Fax)

I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court this 23rd day of April, 2015, to be served by operation of the Court's electronic filing system upon the following:

- Gregory L. Lattimer, Attorney for Plaintiffs, 1200 G. Street, N.W., Suite 800, Washington, D.C. 20005, lattlaw@aol.com;
- Malik Z. Shabazz, Attorney for Plaintiffs, 1200 G. Street, N.W., Suite 800, Washington, D.C. 20005, attorneyshabazz@yahoo.com;
- Reginald A. Green, Attorney for Plaintiffs, One Georgia Center, Suite 605, 600 West Peachtree Street, N.W., Atlanta, Georgia 30308, rgreene@greenelegalgroup.com; and
- Michael E. Hughes, Attorney for Defendants St. Louis County and Chief Jon Belmar, 41 S. Central Ave, Clayton MO 63105, mhughes2@stlouisco.com, pgunn@stlouisco.com.

/s/ Peter J. Dunne
